



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/577,166

09/10/2007

Deia Salah-Eldin Bayoumi

B030300

1129

7590

02/02/2009

Paul Katterle  
ABB Inc.  
29801 Euclid Avenue  
Wickliffe, OH 44092

EXAMINER

LEE, DOUGLAS S

ART UNIT

PAPER NUMBER

2121

MAIL DATE

DELIVERY MODE

02/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,166	<b>Applicant(s)</b> BAYOUMI ET AL.	
	<b>Examiner</b> DOUGLAS S. LEE	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |



## DETAILED ACTION

### *Claim*

1. Claims 1-22 are pending.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 21, the term used as “a data store” is not clear what the applicant regards as the invention. Is it a database or memory?

Regarding claim 3, “the Internet” lacks a clear antecedent basis.

Regarding claim 8, this claim depends onto itself. The correction is needed

Regarding claim 9, what is an “agent” as pointed out in the claim. So called “agent” is not specifically pointed out in the specification.

Regarding claim 21, what is an “applet” as pointed out in the claim. So called “applet” is not specifically pointed out in the specification.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2121

The claimed invention is directed to non-statutory subject matter. Claim 18 recites a method for providing a manufacturing control engine capable of receiving and processing data to generate manufacturing control instructions, which can be accomplished solely on a computer and does not appear to produce the other statutory class (the thing or product) to which it is tied or positively recite the subject matter that is transformed. Claim 19 further recite the step of providing a "data store" to store abstract "manufacturing rules" and "manufacturing environment conditions", which can also be accomplished solely on a computer and does not appear to produce the other statutory class (the thing or product) to which it is tied or positively recite the subject matter that is transformed.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Eryurek et al. (US Pat. #6,965,806).

Regarding claims 1 and 5, Eryurek et al. teaches a system providing control over manufacturing resources of a discrete manufacturing environment, comprising: a data store, the data store having manufacturing rules for the discrete manufacturing environment ( col. 8, line 36-37; col. 36, lines 40-63 and col. 18, lines 45-48; col. 35, lines 1-2; figs.1,2 ) ; and a manufacturing control engine, the control engine cooperating

Art Unit: 2121

with the data store to obtain manufacturing rules for processing to generate manufacturing control instructions ( col. 8, lines 1-13; col. 12, lines 47-61).

Regarding claims 2-4, Eryurek et al. further comprising a communications network, the communications network cooperating with the manufacturing control engine to communicate data representative of discrete manufacturing control information to cooperating manufacturing resources (fig.1, col. 6, line 60 to col. 7, line 9).

Regarding claim 6, Eryurek et al. disclose wherein the manufacturing rule information comprises any of: manufacturing resource capacity information, time for manufacturing information, manufacturing resource specifications, raw material information, and manufacturing environment information (see col. 7, line 36 to col. 10, line 49, figs. 4, 13, 15, 19, 27).

Regarding claim 7, Eryurek et al. disclose wherein the manufacturing control engine cooperates with a plurality of manufacturing resources to communicate control information for use in one or more manufacturing processes ( col. 8, lines 1-13; col. 12, lines 47-61).

Regarding claim 8, Eryurek et al. disclose wherein the manufacturing control engine receives data from additional control resources comprising any of manual data, manufacturing optimization information, and planning information to generate at least one instruction set to cooperating manufacturing resources for execution ( col. 8, lines 1-13; col. 12, lines 47-61).

Art Unit: 2121

Regarding claim 9, Eryurek et al. disclose wherein the manufacturing control engine utilizes an agent that executes one or more of artificial intelligence techniques to obtain the additional control resource data ( col. 8, lines 1-13; col. 12, lines 47-61).

Regarding claim 10, Eryurek et al. disclose wherein the manufacturing control instructions is communicated to intelligent devices cooperating with at least one manufacturing resource data ( col. 8, lines 1-13; col. 12, lines 47-61).

Regarding claim 11, Eryurek et al. disclose wherein the additional control resource data is provided to the manufacturing control engine over a communications infrastructure ( col. 8, lines 1-13; col. 12, lines 47-61).

Regarding claims 12-20, these method claims are rejected for the same reasons applied above rejected claims 1-11.

Regarding claims 21-22, Eryurek et al. disclose a management and control system which allows integration of various types of information, display of the information on a graphical user interface ( fig. 8 for example), and performing control functions (abstract). Eryurek further teaches use of a LAN and/or WAN (fig.1, col. 6,line 60 to col. 7, line 9); use of interface routines (58 in fig.2), operator modifying controls ( col. 1, lines 16-40; col. 9, lines 5-11; col. 10, lines 45-49), use of the Internet and status information ( col. 2, lines 50-67), and sharing information among various types of systems such as control and business systems. Eryurek teaches an engine and application integration platform (30, 50) which receives plural types of data, storing the platform ( col. 8, line 36-37; col. 36, lines 40-63), use of enterprise resource planning ( col. 8, lines 1-13; col. 12, lines 47-61), use of data bases ( col. 18, lines 45-48; col. 35, lines 1-2; figs.1,2 ) and allowing

display of various types of data depending on the user needs such as over a time or date interval, status, operator, materials, etc.. (note. col. 7, line 36 to col. 10, line 49, figs. 4,13, 15, 19,27).

### ***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Albert Decady*, can be reached on (571) 272-3997 or via e-mail addressed to [*albert.decady@uspto.gov*]. The fax number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**doug.lee@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122.

This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that



Art Unit: 2121

sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

**/D. S. L./**  
**Examiner, Art Unit 2121**

**/Albert DeCady/**  
**Supervisory Patent Examiner, Art Unit 2121**

Application/Control Number: 10/577,166  
Art Unit: 2121

Page 8